

Procedures for Fireworks, Pyrotechnic Displays Before a Proximate Audience, and Flame Effects in Montgomery County

A. General – Fireworks and Pyrotechnics

Prior to the Display

- a) Obtain a fireworks public display permit application from the Maryland State Fire Marshal's office. <http://mdsp.org/firemarshal>
- b) At least 10 business days prior to the event, complete a permit application online at www.montgomerycountymd.gov/DPS/process/fpcc/fireworks.html
- c) Submit the corresponding application below and any supporting documents for review by the Fire Marshal. Once the review is completed and approved, the applicant will be contacted to schedule the preliminary site inspection.
- d) If the proposed site passes inspection, a permit will be issued under the name of the authorized shooter and the State permit will be signed by the County Fire Marshal.
- e) One week prior to any fireworks shoot, the public is to be notified of the event by the shooter/applicant. (Does not apply to the 4th of July)

During Displays

- a) The licensed shooter must have copies of both the State and County approved permits on site.
- b) No shooting, including testing, is permitted without a MC Fire Marshal on site.
- c) The licensed shooter must have their valid shooter's license and proper identification to present to the inspector.
- d) Technicians must have communication capabilities.
- e) Crowd control measures must be in place.
- f) Fireworks displays must not extend past 11:00pm in accordance with MC noise ordinances.

B. Fireworks Displays - After Fireworks Displays

- a) Ensure all fireworks have detonated or have been made safe.
- b) Walk the area for unexploded shells.
- c) The Fire Inspector will return the next morning for the "sunrise site visit" to walk the area and ensure all fireworks have been detonated or made safe. A firework company technician is expected to be on site to accompany the inspector.

C. Montgomery County Fire Code Sec. 22-70. Fireworks. (APPLICATION BEGINS ON PAGE 3)

- a) *Defined.* The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedos, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.
- b) *Manufacture.* It shall be unlawful to manufacture fireworks within Montgomery County.

- c) *Possession or use.* Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell or use, burn or explode any fireworks; provided, that the possession, sale or discharge of fireworks are permitted when such activities are conducted under a permit issued by the state fire marshal.
- d) ...
- e) *Storage.* No person shall keep or store fireworks in the county for a period in excess of eight (8) hours unless such person shall have a valid permit from the state fire marshal for a display within the county and unless such storage site has been approved by the Director. (1975 L.M.C., ch. 23, § 1.)

Fireworks displays must comply with NFPA 1123, *Code for Fireworks Display*, 2018 edition.

D. Pyrotechnics Before a Proximate Audience (APPLICATION BEGINS ON PAGE 4)

- a) *Defined.* “Pyrotechnic materials” are a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation. A “proximate audience” is any audience closer to pyrotechnic devices than permitted by NFPA 1123, Code for Fireworks Display.
- b) No ignition of devices, including testing, is permitted without a MC Fire Marshal on site.
- c) *Scope.* This permit and its requirements shall apply to any display of pyrotechnics indoor or outdoor with a proximate audience. The intended use for these pyrotechnic materials versus fireworks is their use in conjunction with the performing arts such as musical, theatrical, and similar productions and in close proximity to the audience, performers, and support personnel.
- d) Pyrotechnic Articles may include devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use. Such articles meeting the weight limits for consumer fireworks but not labeled as such and classified by the US DOT as UN0431 or UN0432 (1.4G Explosives, Fireworks UN0336) may be considered pyrotechnics.

Pyrotechnic displays must comply with NFPA 1126, *Standard for the Use of Pyrotechnics Before a Proximate Audience*, 2016 edition.

E. Flame Effects Before an Audience (APPLICATION BEGINS ON PAGE 5)

- a) *Defined.* “Flame Effect” is the combustion of solids, liquids, or gases utilizing atmospheric oxygen to produce thermal, physical, visual, or audible phenomena before an audience.
- b) Any “hybrid” flame effect plan portions governed by NFPA 1126 will require supplemental information as indicated on the application for Pyrotechnics Before a Proximate Audience (p.4).
- c) The flame effect operator shall advise all performers and support personnel that they are exposed to a potentially hazardous situation when performing or otherwise carrying out their responsibilities in the vicinity of a flame effect.
- d) No ignition of devices, including testing, is permitted without a MC Fire Marshal on site.



Montgomery County
Department of Permitting Services

255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4166
Phone: 311 in Montgomery County or (240)777-0311
Fax: (240)777-6262
<http://www.montgomerycountymd.gov/>

FIREWORKS DISPLAY PERMIT APPLICATION

Applicant Name _____ Phone _____
Applicant email _____ Today's Date _____
Display Location _____
Display Date & Time _____ Display Rain Date _____
Date and time fireworks will enter Montgomery County _____

Please provide the following documentation:

☐ A completed "Application for Public Fireworks Display" from the Maryland State Fire Marshal's Office

☐ A clear diagram of the site where fireworks are to be displayed. This diagram is to include the following items:

1. Buildings and structures
2. Viewing area(s)
3. Relevant property lines*
4. The fallout area (fallout area radius is a minimum of 100' per 1" of shell)
5. Launch location

* Property lines must be based on maps filed with the Land Office and the Circuit Courts of Maryland. Maps are available at www.plats.net. You are required to supply a copy of the plat map if you are transposing lines to a separate diagram. If the fallout area lies beyond the event holder's property line, or the event holder is not the property owner, a letter from the property owner(s) in accordance with the State permit application is required at this time.

☐ A list of the inventory intended to be used. The list must include the item name, quantity, shell size, fallout distance, and firing method.

☐ A copy of the shooter's valid state license.

☐ A crowd control plan which includes the means and methods to maintain a safe perimeter around the launch and fallout areas to prevent spectator injury.

☐ A public notification plan (not required for 4th of July shoots)

Date Approved: _____

Approved By: _____ Title: _____

APPLICATION FOR PYROTECHNICS BEFORE A PROXIMATE AUDIENCE

Applicant Name _____ Phone _____
Applicant email _____ Today's Date _____
Display Location _____
Display Date & Time _____ Display Rain Date _____
Date and time fireworks will enter Montgomery County _____

Please provide the following documentation:

- ☐ A completed "Application for Public Fireworks Display" from the Maryland State Fire Marshal's Office
- ☐ A clear diagram of the site where pyrotechnics are to be displayed. This diagram is to include the following items:
 1. Buildings, structures, stages, etc.
 2. Viewing area(s)
 3. The fallout area(s)
 4. Device location(s)
 5. Location of fire extinguishing equipment
- ☐ A list of the inventory intended to be used. The list must include the item name, description, quantity, fallout distance, and firing method.
- ☐ A copy of the operator's valid state license.
- ☐ A crowd control plan which includes the means and methods to maintain a safe perimeter around the launch and fallout areas to prevent injury or fire.
- ☐ A copy of the technical data sheet for the pyrotechnics intended to be used. Any ground based sparklers must appear on the Maryland list of Approved Ground Based Sparkling Devices.
- ☐ A sequence of operations for the display.

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APPLICATION FOR FLAME EFFECTS BEFORE AN AUDIENCE

Applicant Name _____ Phone _____
Applicant email _____ Today's Date _____
Event Location _____
Event Date & Time _____ Event Rain Date _____

Please provide the following documentation:

- ☐ For indoor events, provide a copy of the Certificate of Use and Occupancy and a valid Fire Code Compliance Permit.
- ☐ A clear diagram of the area where open flames are to be used. This diagram is to include the following items:
 1. Buildings, structures, stages, etc.
 2. Viewing area(s)
 3. Operator or staff area(s)
 4. Device location(s)
 5. Location of fire extinguishing equipment
- ☐ A list of the device(s) intended to be used. The list must include the item name, description, quantity, fallout distance or distance to combustibles, and ignition or firing method.
- ☐ A crowd control plan which includes the means and methods to maintain a safe perimeter around the devices and flames, where applicable.
- ☐ A sequence of operations for the display or use of the devices.

Date Approved: _____

Approved By: _____ Title _____